

ATW

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN -2 AM 9:29

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
Marco A. JUAREZ-Herrera,)
)
Defendant.)
_____)

'08 MJ 1720

Magistrate Case No. _____


COMPLAINT FOR VIOLATION OF

Title 18, U.S.C. Section 1542
False Statement in Application
and Use of Passport

The undersigned complainant being duly sworn states:

On or about **June 1, 2008**, within the Southern District of California, defendant **Marco A. JUAREZ-Herrera**, did willfully and knowingly use or attempted to use, or furnish to another for use any passport the issue of which was secured in any way by reason of any false statement; in violation of Title 18, United States Code, Section 1542.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **2nd** DAY OF **June**,
2008.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On June 1, 2008, at approximately 3:10 AM, **Marco A. JUAREZ-Herrera (Defendant)** applied for admission into the United States through the San Ysidro Port of Entry via the pedestrian primary lanes. Defendant presented to a U. S. Customs and Border Protection (CBP) Officer a United States passport bearing his own photograph and the name "Francisco Javier Rico" as his entry document. Defendant stated to the CBP Officer he was a United States Citizen. The CBP Officer received an automated computer generated referral and subsequently escorted Defendant to secondary for further inspection.

In secondary, CBP Officers discovered Defendant was not the lawful owner of the document presented. Defendant was searched by fingerprint submission through the Automated Biometric Identification System (IDENT). IDENT returned a match to the query confirming Defendant's true identity and linking him to Immigration records.

During a video recorded interview, Defendant was advised of his Miranda Rights, acknowledged his rights and elected to answer questions without the benefit of counsel. Defendant admitted he is a citizen of Mexico without legal rights or documents to enter the United States. Defendant admitted willfully and knowingly making a false statement in an application for a United States Passport with the intent to acquire a passport for his own use.

Defendant stated about nine years ago he paid between \$10,000.00 and \$12,000.00 USD to obtain a California birth certificate that he used to apply for a California Identification Card and subsequently a United States Passport. Defendant stated he acquired the United States Passport for the purpose of entering the United States illegally. Defendant stated he was going to Chula Vista, California to seek employment and reside with relatives.